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Although violent demonstrations have occurred at only a few universities, moves toward direct confrontation with authority seen as repressive or hypocritical could take place at any college in the country. Part of the cause is the students' desire for national notoriety which TV affords. The growth of Students for a Democratic Society (SDS) also constitutes a formidable threat to campus peace. The worst disruptions have occurred at the most liberal institutions where there is a heavy reliance on a mistaken theory of liberalism that does not distinguish between belief and behavior, and thus does not meet violations of due process with appropriate sanctions. Condoning lawless behavior often provokes further lawlessness and is indicative of faculty and administrative cowardice. Recent incidents at the University of Colorado and Columbia University indicate the extent to which flagrant misconduct is tolerated and the concepts of free speech and academic freedom misconstrued. A university's capitulation to SDS demands only emboldens it and its allies to continue policies of confrontation and educational demoralization. Administrators may want to think of the university as "a free market place of ideas," but they should realize that SDS is selling more than ideas. (JS)

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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THE TROJAN HORSE IN AMERICAN EDUCATION

BY

Sidney Hook

In an essay written shortly after the riotous events at the University of California at Berkeley in 1964, I predicted that American higher education would never be the same again, that a turning point had been reached in the pattern of its development. I confess that I have been taken somewhat aback by the rapidity of the change, but not its direction, by the escalation of the lawlessness accompanying the change and by some of the secondary consequences of the accelerating disorders -- fear among administrators lest their campuses be struck; confusion, bewilderment and divided loyalties among faculty, together with some Schadenfreude at the humiliation of administrations; sustained apathy among the majority of students whose education has been interrupted by militant students; and the mixture of rage and disgust among the general public.

This morning I wish to discuss some ideas and attitudes that have contributed to the encouragement of recent disorders on American campuses. Although few institutions have been the scene of violent demonstrations, I am confident I am not exaggerating when I say there is hardly a college in the country in which there is not some marked uneasiness, some movement toward direct action on the verge of exploding into sit-downs and sit-ins and other forms of mass violations of rules and regulations suddenly discovered to be silly, anachronistic or authoritarian -- as some of them undoubtedly are. But what struck me about the mood of the students in scores of colleges I visited is that even when these rules and regulations were not being enforced, and student conduct was as free and uninhibited as on campuses not subject to the unwelcome rules, there was an insistence on their abolition -- despite the evidence that the formal abolition was likely to stir up a hornet's nest among alumni or townsfolk or state legislatures. This testified partly to student impatience with the "hypocrisy" of tolerating laws that were not being enforced, but even more to the presence of a desire to precipitate a showdown with authority, to be where the action is, to have the nation's television cameras focused on the local scene and on the local leaders of dissent. One of the undoubted effects of the kind of coverage given campus disorders by the mass media in their alleged desire merely to report their occurrence is to encourage them by exaggerating their scope and glorifying the heroes of the moment. Now that there are more than three hundred chapters of the Students for a Democratic Society in existence in universities across the country and "more than 40,000 national and local S.D.S. activists" (there were only 60-odd at Port Huron in 1961) loose among student bodies, the prospects for a lively academic year are quite good.

Anyone familiar with the program and objectives of the S.D.S. with respect to American universities knows that it is a formidable threat to peace and continued education, as hitherto understood, on American campuses. It members constitute a hard fanatical core of highly politicalized individuals among student bodies extremely skillful in the arts of generating conflicts and disruption through agitation and manipulation of mass organizations. They and their congeners among the New Left would be hard to contain by wise and enlightened administrators and faculties. Unfortunately these traits have not

Speech to the Joint Session of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges, November 12, 1968 Washington, D. C.

been conspicuously present even in places where one would expect them. This is suggested by the fact that the worst excesses on our campuses have occurred at the most liberal institutions. The University of California, San Francisco State College, the University of Colorado, Roosevelt College, Columbia University and New York University -- these read like the beginning of a roll call of the centers of intellectual dissent, experiment, and even educational permissiveness in American life. Why should this be so? My thesis is that the explanation of the failure to meet the challenge of student disruption is a mistaken theory of liberalism, a reliance upon what I have called ritualistic rather than realistic liberalism, a doctrinaire view that does not recognize the difference between belief and behavior, that does not realize that although order is possible without justice, justice is impossible without order.

The liberal outlook in education cannot be strictly identified with the liberal outlook in politics because the academic community cannot be equated with the political community. Although we may recognize the autonomy of the academic community, the autonomy cannot be complete since the political community underwrites in many ways its operation. But what they have in common is the centrality of the notion of due process. In the political community, due process is spelled out in terms of specific mechanisms through which, out of the clash of public opinion, public policy is forged. Where due process is violated, consent is coerced and cannot be freely given. The unlimited spectrum of ideas remains unabridged up to the point of advocacy but not to the point of violent action or the incitement of violence. The forces of the state, the whole apparatus of restraint and punishment, enter the scene where the freedom of choice of the citizenry is threatened by extra-legal activity.

Due process in the academic community is reliance upon the process of rationality. It cannot be the same as due process in the political community as far as the <u>mechanisms</u> of determining the outcome of rational activity. For what controls the nature and direction of due process in the academic community is derived from its educational goal -- the effective pursuit, discovery, publication and teaching of the truth. In the political community all men are equal as citizens not only as participants in and contributors to the political process, but as voters and decision-makers on the primary level. Not so in the academic community. What qualifies a man to enjoy equal human or political rights does not qualify him equally to teach with others or even equally to study on every level. There is an authoritative, not authoritarian, aspect of the process of teaching and learning which depends not upon the person or power of the teacher, but upon the authority of his knowledge, the cogency of his method, the scope and depth of his experience. But whatever the differences in the power of making decisions, there is an equality of learners, whether of teachers or students in the rational processes by which knowledge is won, methods developed and experience enriched. In a liberal educational regimen, everything is subject to the rule of reason, and all are equals as questioners and participants. Whoever interferes with academic due process either by violence or threat of violence places himself outside the academic community, and incurs the sanctions appropriate to the gravity of his offence from censure to suspension to explusion. The peculiar deficiency of the ritualistic liberal educational establishments is the failure to meet violations of rational due process with appropriate sanctions or to meet them in a timely and intelligent

manner. There is a tendency to close an eye to expressions of lawless behavior on the part of students who in the name of freedom deprive their fellow students from exercising their freedom to pursue their studies. It is as if the liberal administration sought to appease the challenge to its continued existence by treating the incident as if it had never happened. Here it is the first step which is not taken that costs so much. Both at Berkeley and Columbia failure to act decisively at the first disruption of university functions undoubtedly contributed to the students' expectation that they could escalate their lawlessness with impunity. Sometimes the attempt to retrieve a failure results in a greater failure. When student defiance of reasonable rules and regulations is pointedly and continuously ignored, and then subsequently disciplined, the consequence may be worse than if the first infraction had been totally amnestied. Unnecessary delay in initiating the disciplinary measures, however mild, incurred by the infraction of rules can make it appear to large numbers of the uninformed that these students are the innocent victims of vindictive and gratuitous punishment. The occasion of the fourth and largest illegal trespass at Berkeley -- the seizure of Sproul Hall -- came as a consequence of the summons to four student leaders to appear before the Disciplinary Committee several weeks after they had committed the violations for which they were being held to account. Similarly at Columbia. The first action which presaged the events of 1968 occurred in 1965 when students forcibly prevented the NROTC award ceremony. In 1967, "the administration cancelled the ceremony citing insufficient time to prepare against violence." (The Cox Report.) Violence seemed to pay off. A handful of students had forced their will on the university at the cost of seven letters of censure! After the ban on indoor demonstrations had been promulgated -- both because it interfered with the teaching of classes and because of the dangers of violence between opposing groups of demonstrating students -- it was not enforced on three important occasions where it was clearly violated. When it was finally invoked, to many who were unaware of the past history of student provocation and university restraint, the attempted disciplinary action, even if feeble, seemed arbitrary.

The ironical aspect of the situation is that despite the liberal character of the institutions in question, a false view of what it means to be liberal seems to provoke or to exacerbate disturbances on the campus. Especially in certain faculty quarters it is believed that the very nature of a liberal educational community necessitates, independently of any student action, an absolute taboo against physical or police sanctions. These faculty members see truly, in the words of a perceptive member of the Columbia faculty, that "the authority of a university is not a civil authority, but a moral one." But he mistakenly concludes that the disruptive activities of students "can only be contained by a faculty and by other students, not by the police." This is a morality not of this world but of the ineffectual spirit which leaves this world and its universities in possession of those who use or threaten violence. "Confrontation politics" in the moral academic community "is inadmissable". Excellent! But what if some students do what is inadmissable? What if they resort to pillage, arson, personal assault? To say that only other students can contain them and not the police is to forget that once we leave the world of the spirit, this is an invitation to civil war. Wars of containment can be quite bloody. The police may have to be called in to prevent students from containing (and maiming) each other. And like all sentimentalizing in this cruel world, the fear of relying on the police to resist the militant politics of confrontation,

which scorns the rationalities of academic due process, is the politics of capitulation. It is administrative and/or faculty cowardice masquerading as educational statesmanship. The S.D.S. is not the Trojan Horse in American higher education. It makes no secret of its desire to destroy American democratic society and the universities which it considers as a faithful replica of that iniquitous society. The Trojan Horse is the rickety structure of doctrinaire thought that shelters the S.D.S., gives it a free field for operation, retreats before the politics of confrontation, and either shrinks from applying fairly and firmly the rules of reason that should bind the academic community or interprets them as if they had no more restraining force in times of crisis than ropes of sand.

For purposes of pedagogic effectiveness, the liberal principles I am defending, and their perversions I am criticizing, may be brought home by considering recent developments at the University of Colorado. Educationally it is one of the most liberal institutions in the country, with an impressive record of academic freedom all the more noteworthy because it flourishes in a politically conservative state. For the last few years, it has been in almost continuous turmoil with the faculty and the administration, including some members of the Board of Regents, leaning over backward to uphold the principles of liberalism.

On October 25, 1967, a group of S.D.S. activists forcibly blocked the placement office of the University, preventing entrance and egress, and prohibited office personnel from properly maintaining services. They deprived other students of their rights to use the placement services. They repeatedly refused to obey orders of University officials to cease and desist. On November 7, 1967, they were charged with five specific counts of violation of University regulations. On November 9, hearings were begun before the University Discipline Committee. The students were represented by counsel. To accommodate them further, sessions of the Committee which formerly had been closed were opened to the public. A hearing room was specially selected at the request of the students to accommodate all the students and their many sympathizers, who functioned as a claque, applauding the students and booing and jeering at witnesses who testified against them. Every student charged was given unlimited leeway to testify as he pleased, and even persons who were not members of the academic community and not present when the acts were committed were allowed to present ideological support and praise for the students charged. At the conclusion of the hearings, the counsel for the students thanked the Committee fulsomely for its "eminently correct procedure by any standard of fairness." (Transcript of Hearings, Part I, p. 94.) The evidence showed that the Dean and some members of the faculty prevented students who were outraged at the S.D.S. refusal to permit them access to the placement office from assaulting the lawless demonstrators, narrowly averting a riot.

The University Discipline Committee unanimously found the S.D.S. guilty as charged.

Whereupon they and their counsel appealed to the appelate Subcommittee of the Administrative Council which held open hearings on December 13, 1967. On December 19, after reading and considering the entire transcript of 225 pages before the U.D.C. and a 48-page brief on behalf of the students and listening to oral argument by all three counsel for the students, it affirmed the findings of the U.D.C. as correct. It upheld the comparatively mild punishment of suspension and probation.

The students then appealed to the Regents of the University of Colorado which held open hearings at its regular meeting of January 13, 1968. At this hearing, students were represented by new counsel from the Colorado Civil Liberties Union. After a stormy and disorderly meeting, the Regents unanimously upheld the decision of the subcommittee of the Administrative Council of December 19, 1967.

Thereupon the students and their counsel appealed to the Federal Court for the District of Colorado for an injunction against the President and Regents of the University of Colorado on the ground that the students' constitutional rights had been violated because of a failure of due process, arbitrary punishment, etc. Judge Alfred A. Arraj, Chief Judge of the U.S. District Court, in a verbal ruling on February 2 and a written opinion of February 14, 1968, dismissed the appeal for an injunction and upheld the University in an unusually strong and eloquent declaration. He found absolutely no merit in the S.D.S. contentions, and praised particularly the character of the due process they had received which was far and beyond what was necessary. The Judge declared that the University Discipline Committee "acted fairly and justly in this case. They were patient. They were deliberate. Their decision was unanimous."

In passing, one should point out that due process does not require this over-elaborate procedure. Thirty students of the S.D.S. committing individual acts of lawlessness could tie up the University for years by making appeals from appeals. So long as an appeal can be taken from the U.D.C. to the courts, the students have adequate constitutional protection. Liberalism is not incompatible with common sense.

But the significant thing to observe is the behavior of the students at the open hearings before the meeting of the Regents on January 13. After the unanimous vote was cast upholding the decision of the subcommittee of the Administrative Council -- I am now reading from the official record, page 28:

VOICE (from the audience): BASTARDS!

After this decision, a motion was made and seconded that if any of the suspended students (only eight of the 22 charged were punished with suspension for one term), at any time prior to the expiration of their period of suspension, promised not to repeat the actions for which they had been found guilty they could file special petitions for readmission. (Counsel for the students reported that none of the students would promise to refrain from acting in the same way again.) The motion was then defeated. When President Smiley announced -- I am reading from the official record, page 31 -- "The motion is lost."

VOICE (from the audience): "Fuck you, all of you!"

PRES. SMILEY: "We will now have a five minute recess."

(Whereupon a five minute recess was had, after which time the Board returned to the room and the following proceedings were had [sic!]):

PRES. SMILEY: "Gentlemen, if you are ready..."

(Whereupon a number of students converged upon the table of the Board and flung their student cards at the Board members, then withdrew and threw a coin at the table from across the room...)

No action apparently was taken by the Regents or the President in the face of these indecent, obscene and insulting epithets, and deliberately offensive personal misconduct, which was tantamount to physical assault. By no stretch of the imagination, even of the students' own counsel who condemned these actions, could this behavior be regarded as constitutionally privileged. Indeed, such actions were subject to both criminal arrest and University discipline. They were ignored by the President and Regents, although I can find nothing in the philosophy of liberalism, or in the ethics of self-respect and respect for others or the principles of academic freedom that requires that such misconduct be tolerated.

This whole scene seems to me to be unprecedented in the entire history of American higher education. No reasonable person could be blind to the character of the individuals and movement that had been given every benefit of due process. Even what happened subsequently at Columbia University with respect to the behavior towards administrators was anti-climactic, although in the S.D.S. tradition. A striking student spat in the face of Vice-President Truman, and a leader of the S.D.S. denounced before a Columbia College audience the Dean of the College as a "mother fucker".

During the period of their suspension, several leaders of the S.D.S., although barred from classes, remained on campus and were very active in S.D.S. affairs. Nonetheless, although they refused to give any assurances that they would refrain from further acts of lawlessness of the kind they had been found guilty of, and although the statutes of the University clearly warrant denial of admission for "serious failure to observe the standards of conduct which are prescribed by the regulations of the University or implied by membership in the University Community," they were readmitted in June, 1968.

Emboldened by this treatment, the S.D.S. applied for permission to use the facilities of the University to act as host to the national organization at Boulder. The ultimate goal of the S.D.S. may be to destroy the existing university but meanwhile it must have some house room to plan the strategy and tactics of the demolition. The request set off a tragi-comic process of doubt, discussion and action that revealed as clearly as anything could that some members of the Administration had made a fetish of the words "academic freedom" without grasping the substance of the concept. The subordinates of the President in charge of the student affairs had recommended that the request of the national organization of the S.D.S. be granted apparently because they feared the confrontation or disorder by the S.D.S. students if the request were denied. The President fearful of the responsibility of saying "Yes" or "No" passed the decision on to the Regents who split evenly on the issue. The President, then, broke the tie on the ground that "the university must be a market place for ideas."

Actually, the question whether an outside organization should be permitted the use of university property for non-university use has nothing to do either with academic freedom or free speech. This question arises only when the rights of teachers and students to teach and learn are involved or when it is a question

of permitting representatives of different political views to present them on the campus. In this respect the University of Colorado permits the widest freedom. A Socialist, a Fascist, racist or Communist may present his ideas if the students wish to hear him. But it is utterly ridiculous to assert that because the Communist position or the S.D.S. position is permitted to be presented that therefore a request of the national Communist Party for the use of University facilities for organizational purposes must be granted lest the University lapse into a violation of academic freedom or free speech. A request of this kind has nothing to do with academic freedom or free speech so long as the expression of the position in other ways is normally permitted. Such a request is really a cheeky and mocking demand, backed up by threats of making trouble otherwise, for the use of the University's good name. There is prestige in meeting on University grounds and in University rooms that helps the cause. But why should the University become a party to it, even an unwilling party, and what in the world has it to do with the University being a market place for ideas. The S.D.S. was not selling ideas but planning an assault on the integrity of American educational institutions including the University of Colorado.

The confusion arose in the minds of the President and Regents because they were troubled by a seeming inconsistency in denying the request of the national organization of the S.D.S. to use University facilities whereas the request of other organizations was granted. One Regent actually said "if use of the facilities were denied the validity of the arguments made to students who demonstrated against the CIA last fall would be destroyed. To be consistent, he said, the University must make its facilities open to all regardless of whether the news of those who appear coincide with our views" (p. 23 official minutes of 9/20/68). This is absurd on its face because if the University were to act on this silly kind of consistency the next convention of the Communist Party or the Black Panthers or American Nazis would be held at Boulder.

Actually the reference to the case of the S.D.S. disruption of the CIA recruiting visit underscores the fact that no question of academic freedom is involved. The CIA was not holding a national convention at Boulder. It was not selling any ideas in the market place. It was there to give students at the University of Colorado a chance to interview the CIA representatives for jobs on the same terms as representatives of other agencies, private and public. It was not the academic freedom of the CIAtthat was being defended against the S.D.S. -- one might even argue that no recruiting agency has a legitimate place on the campus! -- but only the rights of students to be free of harassment by the S.D.S. as they sought to interview the representatives their right to come and go freely, and their right to be served by University personnel. The rights of the S.D.S. students to protest the presence of the CIA was not being denied. They were punished not for their dissent but for their lawlessness.

Does it follow that if any non-University group is permitted to use the University facilities every group must be permitted to do so. Of course not! University policy adopted by the Regents on November 18, 1955, laid down two generic conditions for the use of University facilities by non-University groups:

"A - The event may not conflict with the functions, activities, or regular operations of University agencies.

"B - The provision of facilities or services to non-University activities must be in accord with the best interests of the community and state."

(The language of these conditions leaves something to be desired. To be enforceable B must be read to mean "must be compatible with the educational and public service objectives of the University".)

It is quite clear that these directives solve the question of consistency. There is no inconsistency in permitting the Modern Language Association to use the facilities of this University and barring them to the American Nazi Party or to the Ku Klux Klan or the Communist Party even if the latter were to plead that all they wanted to do was to sell their idealogical goods in President Smiley's "market place of ideas." Similarly there is no inconsistency in leasing University facilities to a hiking club but refusing to do so to a nudist colony; in allowing Young Democrats, Young Republicans and Young Socialists to use facilities, and in the light of their program and history of organizing violent confrontations, denying their use to the national S.D.S. For in the first case the goals and activities of the organizations in question are comparable with the educational objectives of the University; and in the second case, not. This is no arbitrary distinction, and the Courts will uphold it.

Here is a clear case in which a failure to understand the true meaning of liberalism led to an awful blunder about academic freedom despite the unctuous rhetoric about preserving it. But worse was to come as the unhappy consequences of this decision unrolled themselves. One of the Regents fearful that the S.D.S. convention might be used to plan for confrontations that were illegal on their face, something forbidden by the laws of the Regents and the policies of the University, moved as a substitute motion "that the S.D.S. national council be allowed to use University facilities for their meeting providing all sessions are open to the press and the public." Needless to say, the S.D.S. was jubilant about the decision, gave all the required assurances, and then proceeded to violate them by barring all tapes and records from meetings -- the tools of the modern press. (The S.D.S. knew what it was doing when it barred tapes. Their language is extreme and frightening. Penciled notes can be impugned as inaccurate but the voice on the tape is damning, and for obvious political reasons the S.D.S. felt it could not permit the permanent record to be made.)

At first the University officials insisted that TV cameras and tapes be admitted since this was part of the bargain. The S.D.S. leaders in rejoinder "pointed out that 400 to 500 young radicals were already on their way to Boulder, that some were potentially violent and beyond their leader's control and that violence might result if the CU forced a confrontation on this issue." (Denver Post, October 16, 1968.) This, of course, is a typical stratagem. It is not the S.D.S. that initiates the violence or seeks the confrontation. The S.D.S. only defends itself against violence when steps are taken to meet its lawless action. In this way it seeks to put the odium on its victims.

The University or rather the President yielded to this threat and at the first meeting the S.D.S. barred the presence of any cameras and tapes. When infuriated TV, radio and pressmen broadcast the decision, Regent Daniel Lynch who had moved the substitute motion which granted the request of the S.D.S. subject to the condition of a completely open and public meeting, got in touch with the President and informed him that the sense or intent of the motion was that cameras and tape recorders should be permitted -- that open and public

meant open and public -- the President reversed himself and withdrew his earlier capitulation. But when an attempt was made to introduce the cameras and tape recorders, the S.D.S. forcibly prevented it, by blocking and seizing the instruments, and violently ejecting cameramen, their police escort, and Regent Lynch himself.

At a press conference held by President Smiley and Regent Lynch they confessed that the members of the press "would have to choose between covering the S.D.S. convention or covering a riot." After further consultation the University officials reversed themselves again and decided not to use police either to force in cameramen or to clear the hall.

The S.D.S. had scored a great triumph by its threat to riot. Both the President of the institution and the Regents who supported him not only revealed themselves as hopelessly confused about the nature of academic freedom, but also devoid of the courage of their confusion. It was a sad day for the University of Colorado and for American higher education for it can only embolden the S.D.S. and its allies to continue their policies of confrontation and educational demoralization.

There is no space here to outline a counter strategy to combat by educational and other means, within the framework of liberalism and academic freedom the program of the S.D.S., and, something which requires an additional chapter, their allies among the junior faculty. Both administrators and faculties must begin to see the S.D.S. as it is and disabuse themselves of the pitiful illusion that it wishes to take its place side by side with other student organizations in the University conceived as "a free market place of ideas."

Even the administration of the University of Colorado must by now be aware that the S.D.S. is selling different goods than ideas. The pity of it is that the evidence was there for all to read. Long before the S.D.S. applied for the use of the facilities of the University of Colorado, Tom Hayden, the thirty-year-old eminence grice of the S.D.S., in his article "Two, Three, Many Columbias," wrote:

> "Columbia University opened a new tactical stage in the resistance movement which began last fall: from overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricades resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics. In the future it is conceivable that students will threaten destruction of buildings as a last deterrent to police attacks. Many of the tactics learned can also be applied in smaller hit-and-run operations between strikes; raids on the offices of professors doing weapons research could win substantial support among students while making the University more flatantly repressive." (Ramparts, June 1968.)

Here the armed enemy of American higher education is out in the open. Let us not build a Trojan Horse of questionable dogma in which he can hide.

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